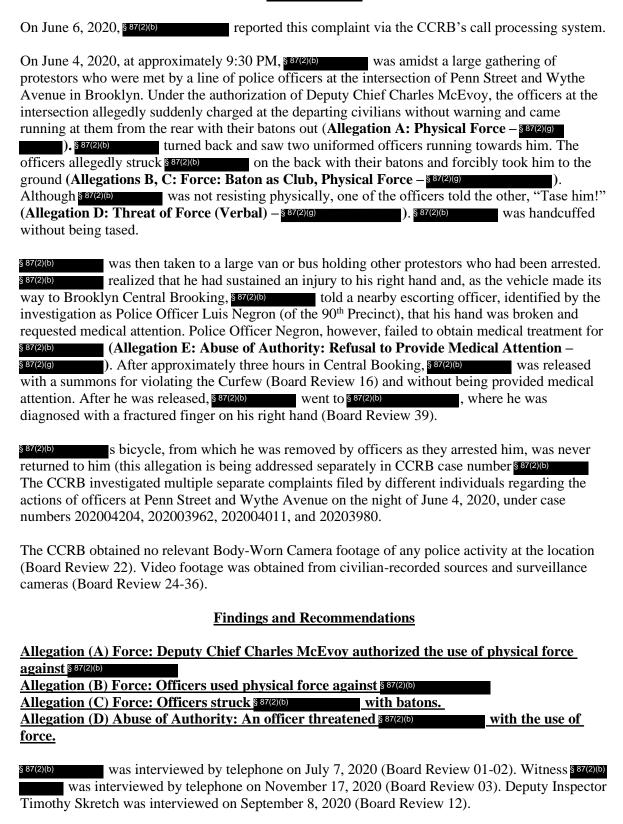
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force		Discourt.	U.S.
Santosh Prakash		Squad #2	202004071		Abuse	\Box	O.L.	✓ Injury
		-						
Incident Date(s)		Location of Incident:		P	Precinct:	18	Mo. SOL	EO SOL
Thursday, 06/04/2020 9:30 PM		Penn Street and Wythe	Avenue		90	1	2/4/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rec	eived at CC	RB
Sat, 06/06/2020 6:17 PM		CCRB	Call Processing System		Sat, 06/06/	/2020	6:17 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)	Home Address							
Subject Officer(s)	Shield	TaxID	Command					
1. Officers								
2. POM Luis Negron	26287	968665	090 PCT					
3. DC Charles Mcevoy	00000	895710	CD OFF					
4. An officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Aaron Husbands	04274	965752	079 PCT					
2. DI Timothy Skretch	00000	926130	079 PCT					
3. CCA Jeffrey Maddrey	00000	899501	C A B					
4. SGT Akil Guy	03541	954274	079 PCT					
5. LT Michael Butler	00000	948725	CD OFF					
6. LT Henry Daverin	00000	945645	090 PCT					
7. DI William Glynn	00000	932718	081 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recor	nmendation
A.DC Charles Mcevoy	Force: Deputy Chief Charles Mcevoy authorized the use of physical force against \$87(2)(b)							
B. Officers	Force: Officers struck § 87(2)(b) with batons.							
C. Officers	Force: Officers used physical force against §87(2)(b)							
D. An officer	Abuse: An officer threatened with the use of force.							
E.POM Luis Negron	Abuse: Police Officer Luis Negron did not obtain medical treatment for §87(2)(b)							

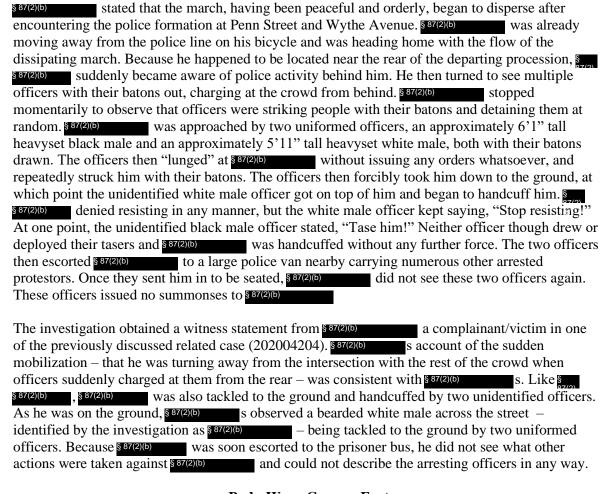
Case Summary



Deputy Chief Jeffrey Maddrey was interviewed on February 10, 2021 (Board Review 14). Deputy Inspector William Glynn was interviewed on March 3, 2021 (Board Review 13). Deputy Chief Charles McEvoy was interviewed on August 12, 2021 (Board Review 15).

Known Facts and Circumstances

The following facts are undisputed: On the evening of June 4, 2020, several hundred individuals were gathered at McCarren Park in Brooklyn to participate in a protest against the recent police-involved death of Minneapolis resident George Floyd. The McCarren Park event ended at some point before 8:00 p.m., the time at which Mayor Bill De Blasio's Curfew Order went into effect for the night. As the attendees dispersed from the park, a large contingent of the protestors continued to march south through Williamsburg, and ultimately arrived at Penn Street and Wythe Avenue. At this intersection, they were met by a line of shielded officers. Pursuant to the Curfew Order, officers broadcasted orders to disperse. At some point after 9:00 PM, the officers at the intersection were mobilized to begin arresting protestors still in the area for Curfew violations. **ST(2)(5)** was one of approximately 25 individuals who were arrested at the location. At issue in this section of the complaint are two questions: the identities of the officers who arrested **ST(2)(5)** and the lawfulness of their use of force against him.



Body-Worn Camera Footage

Requests for all BWC footage pertaining to the police activity at Penn Street and Wythe Avenue

were submitted in this case and in case numbers 202004204, 202003962, 202004011, and 20203980. The NYPD's Legal Bureau, however, found no relevant footage and the request made in this case yielded negative results, as did the requests submitted in the related cases.

Other Video Footage

The combined efforts of the related investigations produced a significant amount of cell phone and surveillance camera footage of the incident at large: 1.) civilian-recorded footage retrieved from Twitter; 2.) cell phone recordings provided by complainant/victims; 3.) and surveillance camera footage from four different surrounding properties. Viewed in their totality, the video footage – particularly those recorded by civilians – helped establish a street-level perspective on Penn Street and Wythe Avenue, from different vantage points and through varying points in time – from the scene as it initially was, with officers lined up in rows at the intersection, to their eventual mobilization to effect arrests. However, the quality and duration of the recordings made it untenable to perform a frame-by-frame or image analysis, whether for officer identification purposes, or for better discerning the nature and sequence of the action depicted. Similarly, none of the surveillance footage captured any aspect of the incident with sufficient clarity: some camera scopes were not wide enough to see a full view of the intersection, while others were obstructed or angled away from the street. [887(2)(6)]

NYPD Documents Reviewed

Collectively, the separate investigations requested all relevant police documentation pertaining to Penn Street and Wythe Avenue, from the surrounding Precincts, Patrol Borough Brooklyn North, and any Strategic Resource Groups in the area. However, the NYPD found no relevant Threat-Resistance-Injury (TRI), AIDED, or Medical Treatment reports (Board Review 23). Detailed Rosters and Finalized Roll Calls for the zones proximate to the incident location were provided, but in a piecemeal manner and with significant delays (Board Review 21). Additionally, the rosters lacked much of the basic information necessary for subject officer identification. The paperwork showed at least 175 officers (from different commands) as assigned to cover protest-related activity in Brooklyn North, with personnel divided into more than 20 mobile field units, comprised of eight officers each. However, none of the rosters made any reference to assignments near the incident location; rather, the rosters only noted "Cadman Plaza Park" (approximately two miles from Penn Street and Wythe Avenue) or "George Floyd Protests" (with no geographical specifics) as their post descriptions (Board Review 21). Furthermore, the rosters provided little to no information on the tour durations of the deployed teams. No unusual occurrence reports or event memoranda were prepared either (Board Review 21). IAB confirmed that the NYPD had no additional detail rosters to provide.

Ultimately, the CCRB received only two sets of materially useful documents: the Mass Arrest Report (MAR) generated for the incident, listing pedigree and charging information for everyone arrested at Penn Street and Wythe Avenue (Board Review 18); and sequence is summons for Curfew violation, issued under section 3-108 of the Administrative Code (Board Review 16). The MAR shows that Police Officer Luis Negron and Police Officer Aaron Husbands were designated as the arresting officers overseeing the mass processing and issuance of summonses at Central Booking.

In their CCRB interviews, Police Officer Negron and Police Officer Husbands both stated that they responded to the scene in a back-up capacity and effected no arrests themselves (Board Review 04, 06). Both officers also stated that they were individually instructed, each by a different supervisor

they could not identify, to secure the prisoners in the transport bus, to facilitate their removal to Brooklyn Central Bookings, and to process summons and release the arrested. As a result, Police Officer Negron happened to issue eight summonses that night, including \$87(2)(b) \$\, \text{s, even}\$ though he was not involved in their apprehension or detention. Neither Police Officer Negron nor Police Officer Husbands observed \$87(2)(b) \$\, \text{s arrest or identify the officers who actually arrested \$87(2)(b) \$\, \text{or the supervisors who instructed them to issue summonses to him and the other arrested individuals.

Concurrent Investigations

To the CCRB's knowledge, the NYPD did not conduct any concurrent investigations into sallegations.

Ranking Officers

Deputy Inspector Timothy Skretch was interviewed on September 8, 2020. Deputy Chief Maddrey was interviewed on February 10, 2021. Deputy Inspector Glynn was interviewed on March 23, 2021. Deputy Chief McEvoy was interviewed on August 12, 2021.

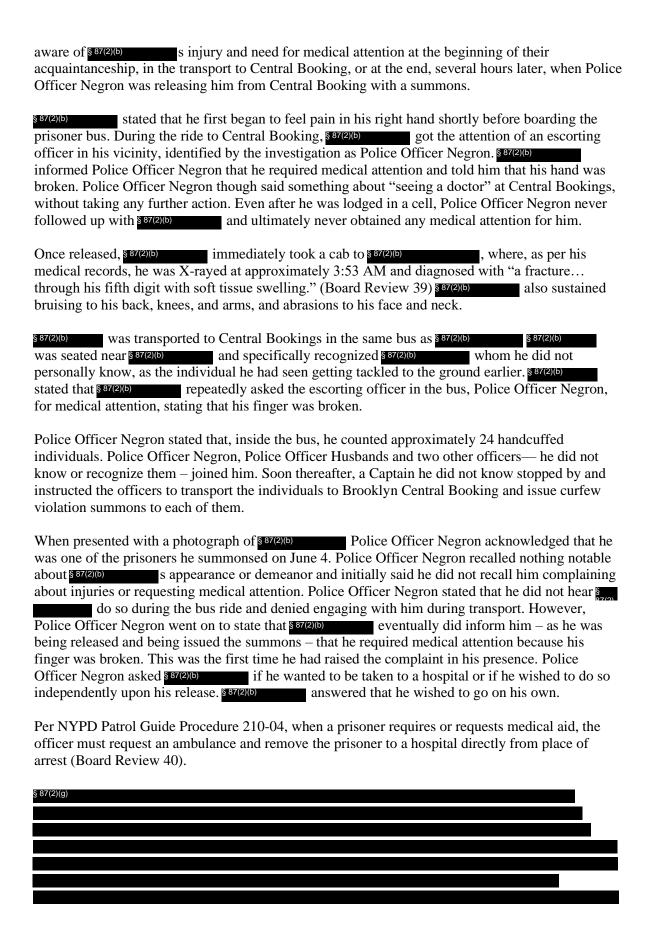
The above-noted high-ranking officers were interviewed about the allegations specific to this case and each of the related cases, as well as about broader issues concerning the command structure, operational dynamics, and tactical measures in effect at the incident location, before, during, and after the arrests. In substance, the officers all denied witnessing or participating in any use of force during the arrests, though each of them was present at the scene for some period of time. None of the officers recognized by name or photograph, and did not recall interacting with him in any manner on the night of the incident. Deputy Chief McEvoy (who has since retired from the NYPD) identified himself as the commanding officer in charge at the scene; he further stated that he alone issued the order to his officers – including those at or around the line at the intersection – to begin arresting any protestors who were not complying with the Curfew order. Deputy Chief McEvoy was unable to identify who he verbalized this command to, or how it was then communicated to other officers. Neither he nor any of the other ranking personnel were able to name or describe or characterize any of the arresting officers.

Allegation Recitation and Disposition

§ 87(2)(g)	
§ 87(2)(g)	
Allegation (E) Abuse of Authority: Police Officer Lu	is Negron did not obtain medical

Allegation (E) Abuse of Authority: Police Officer Luis Negron did not obtain medical treatment for §87(2)(b)

It is undisputed that Police Officer Negron was \$87(2)(b) s assigned arresting officer and rode with him to Central Booking, and that at some point \$87(2)(b) informed him that he had a broken finger and needed medical attention. In dispute is whether Police Officer Negron became



Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which §87(2)(b) has been a party.
- Police Officer Negron has been a member of service for two years and has not been a subject in any prior complaints.
- Deputy Chief McEvoy was a member of service 32 years and was a subject in 13 complaints in eight cases, none of which were substantiated. [887(2)(9)]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On July 30, 2020, \$87(2)(b) filed a Notice of Claim with the Office of the Comptroller claiming emotional, physical, and mental injuries because of the incident and seeking \$5,000,000.00 as redress (Board Review 41).
- According to the Office of Court Administration (OCA), \$87(2)(b) has no history of convictions in New York City (Board Review 40).

Squad No.: 02

Investigator: /sprakash Inv. Santosh Prakash 10/25/21
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang
Signature

IM Alexander Opoku-Agyemang
Print Title & Name

10/25/2021
Date